

Kerry W. Kircher, General Counsel (D.C. Bar 386816), Kerry.Kircher@mail.house.gov
William Pittard, Deputy General Counsel (D.C. Bar 482949), William.Pittard@mail.house.gov
Isaac B. Rosenberg, Assistant Counsel (D.C. Bar 998900), Isaac.Rosenberg@mail.house.gov
Sarah E. Clouse, Staff Attorney (MA Bar 688187), Sarah.Clouse@mail.house.gov

OFFICE OF GENERAL COUNSEL
U.S. HOUSE OF REPRESENTATIVES
219 Cannon House Office Building
Washington, D.C. 20515
202-225-9700 (telephone)
202-226-1360 (facsimile)

*Counsel for Respondent the Honorable Cynthia Lummis,
U.S. Representative for Wyoming*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

JACQUELINE S. JUDD,

Petitioner,

v.

CYNTHIA LUMMIS,
U.S. Representative for Wyoming,

Respondent.

Case No. 2:15-cv-00064-SWS

RESPONDENT'S OPPOSITION TO PETITIONER'S MOTION TO SET HEARING

Respondent the Honorable Cynthia Lummis, U.S. Representative for Wyoming, hereby opposes Petitioner Jacqueline S. Judd's Motion to Set Hearing ("Motion") (May 12, 2015) (ECF No. 9).

The Court has discretion to decide motions "on the submissions unless oral argument, at the Court's discretion, is ordered." Local Civil Rule 7.1(a). The only unresolved motion in this matter is the instant Motion. This Motion, as best we can tell, simply renews Ms. Judd's request for a hearing on her Petition for Writ of Mandamus, Declaratory Judgment, and Permanent

Injunction (“Petition”) (Mar. 20, 2015) (ECF No. 2), which she initially filed in the District Court of the 7th Judicial District, Natrona County, Wyoming, and which Congresswoman Lummis removed to this Court on April 29, 2015, *see* Notice of Removal (Apr. 29, 2015) (ECF No. 1).¹

There is no need to schedule oral argument on *this* Motion (i.e., to schedule a hearing to decide whether to schedule a hearing about the allegations in the Petition). It likewise is premature to set a hearing on Congresswoman Lummis’s as-yet-unfiled response to the Petition. Per the Court’s May 1, 2015 order (ECF No. 6), Congresswoman Lummis still has almost a month – until June 8, 2015 – to file her response pursuant to Federal Rule of Civil Procedure 12. Ms. Judd will have an opportunity thereafter to oppose the Congresswoman’s filing. *See* Local Civil Rule 7.1(b)(2)(A).² Only after the matter is fully briefed will the Court be in a position to gauge the need, if any, for oral argument. Accordingly, the Motion should be denied.

Respectfully submitted,

KERRY W. KIRCHER, D.C. Bar No. 386816
General Counsel
WILLIAM PITTARD, D.C. Bar No. 482949
Deputy General Counsel
/s/ Isaac B. Rosenberg
ISAAC B. ROSENBERG, D.C. Bar No. 998900
Assistant Counsel
SARAH E. CLOUSE, MA Bar No. 688187
Staff Attorney

¹ The Petition obliquely requests oral argument on its cover page and in its prefatory paragraph. *See* Petition at 1 (“Request of oral argument SEE ATTACHMENT”); *id.* at 2 (stating that Ms. Judd has filed the Petition “vs Wyoming House of Representative Cynthia Lummis *for oral argument* to show cause why she should not be held accountable and charged, for aiding and abetting and by filing the necessary impeachment process . . . on a domestic terrorist, namely President of the United States of America Barack Hussein Obama” (emphasis added)).

² And, Congresswoman Lummis may file a written reply in support of any dispositive motion if the Court has not yet scheduled such motion for a hearing. *See* Local Civil Rule 7.1(b)(2)(C).

OFFICE OF GENERAL COUNSEL
U.S. HOUSE OF REPRESENTATIVES
219 Cannon House Office Building
Washington, D.C. 20515
Phone: (202) 225-9700
Fax: (202) 226-1360
Isaac.Rosenberg@mail.house.gov
Sarah.Clouse@mail.house.gov

*Counsel for Respondent the Honorable Cynthia
Lummis, U.S. Representative for Wyoming*

May 13, 2015

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2015, I electronically filed the foregoing Respondent's Opposition to Petitioner's Motion to Set Hearing via the CM/ECF system of the U.S. District Court for the District of Wyoming which I understand caused service on all registered parties. I further certify that I served one copy by first-class mail, postage prepaid, on:

Ms. Jacqueline S. Judd
155 North Fenway Street
Casper, WY 82601

/s/Sarah E. Clouse

Sarah E. Clouse